

*The International*  
*and*  
*Comparative Law Quarterly*

**VOLUME 15**

**1966**

**William S. Hein & Co., Inc.**  
**Buffalo, New York**  
**2003**

© British Institute of International and Comparative Law 1966.  
Published by Oxford University Press.  
All rights reserved

This book has been digitally archived,  
to maintain the quality of the original work  
for future generations of legal researchers,  
by *William S. Hein & Co., Inc.*



This volume is printed on acid-free paper by  
William S. Hein & Co., Inc.

# **The International and Comparative Law Quarterly**

## **BOARD OF EDITORS**

*General Editor*

**K. R. SIMMONDS**

*Assistant General Editor*

**ELIZABETH EVATT**

**P. B. CARTER**

**A. K. R. KIRALFY**

**NORMAN S. MARSH**

*Contributions to the International and Comparative Law Quarterly express the views of their authors and not necessarily the views of the Editorial Board or of the British Institute of International and Comparative Law.*

# The British Institute of International and Comparative Law

## COUNCIL OF MANAGEMENT

*Chairman*: THE RT. HON. LORD DENNING, M.R.

Professor J. N. D. Anderson, O.B.E., LL.D.	R. A. Lynex
* Sir Kenneth Bailey, C.B.E.	F. A. Mann, LL.D., Dr.Jur.
M. E. Bathurst, C.M.G., C.B.E., Q.C., D.C.L., LL.D.	Norman S. Marsh
Sir William Dale, K.C.M.G.	* D. Park-Jamieson, q.c., LL.D.
The Rt. Hon. Lord Justice Diplock	The Hon. Mr. Justice Scarman, O.B.E.
L. A. Ellwood	* M. C. Setalvad
L. Farrer-Brown, C.B.E., J.P.	The Rt. Hon. Lord Shawcross, q.c.
Sir Gerald Fitzmaurice, G.C.M.G., Q.C.	C. Sluzewski, Dr.Jur.
A. L. Goodhart, K.B.E., Q.C., LL.D., D.C.L.	Professor T. B. Smith, q.c., D.C.L., LL.D.
Professor C. J. Hamson	The Rt. Hon. Lord Tangle, y, K.B.E.
The Hon. Mr. Justice Karminski	Sir Francis Vallat, K.C.M.G., q.c.
The Rt. Hon. the Earl of Kilmuir, G.C.V.O.	Prof. Sir Humphrey Waldoek, C.M.G., O.B.E., Q.C., D.C.L.
William Latey, C.B.E., Q.C.	E. H. Wall, T.D.
F. H. Lawson, D.C.L., F.B.A.	The Rt. Hon. Lord Wilberforce, C.M.G., O.B.E.

\* Commonwealth Member

## ADVISORY BOARD

*Public International Law Section*

*Chairman*: THE RT. HON. LORD SHAWCROSS, Q.C.

*Private International Law Section*

*Chairman*: THE HON. MR. JUSTICE SCARMAN, O.B.E.

*Comparative Law Section*

*Chairman*: THE HON. MR. JUSTICE CROSS

## DIRECTOR

DR. K. R. SIMMONDS

## TABLE OF CONTENTS

(An alphabetical Index of Contributors, a Subject Index, an Index of Cases Noted and an Index of Book Reviews and Books Received will be found at the end of this Volume.)

### ARTICLES

	PAGE
<i>George Ginsburgs</i> : SOVIET CITIZENSHIP LEGISLATION AND STATELESSNESS AS A CONSEQUENCE OF THE CONFLICT OF NATIONALITY LAWS . . . . .	1
<i>R. P. Anand</i> : ATTITUDE OF THE ASIAN-AFRICAN STATES TOWARD CERTAIN PROBLEMS OF INTERNATIONAL LAW . . . . .	55
<i>Yoram Dinstein</i> : DIPLOMATIC IMMUNITY FROM JURISDICTION <i>Ratione Materiae</i> . . . . .	76
<i>Frank E. Krenz</i> : THE REFUGEE AS A SUBJECT OF INTERNATIONAL LAW . . . . .	90
<i>L. Erades</i> : INTERNATIONAL LAW, EUROPEAN COMMUNITY LAW AND MUNICIPAL LAW OF MEMBER STATES . . . . .	117
<i>J. D. B. Mitchell</i> : THE STATE OF PUBLIC LAW IN THE U.K. . . . .	133
<i>H. H. Marshall</i> : THE LEGAL RELATIONSHIP BETWEEN THE STATE AND ITS SERVANTS IN THE COMMONWEALTH . . . . .	150
<i>T. L. Yang</i> : PRIVACY: A COMPARATIVE STUDY OF ENGLISH AND AMERICAN LAW . . . . .	175
<i>Jagat Narain</i> : EQUAL PROTECTION GUARANTEE AND THE RIGHT OF PROPERTY UNDER THE INDIAN CONSTITUTION . . . . .	199
<i>Bernard Rudden</i> : SOVIET HOUSING AND THE NEW CIVIL CODE	231
<i>D. W. Greig</i> : THE ADVISORY JURISDICTION OF THE INTERNATIONAL COURT AND THE SETTLEMENT OF DISPUTES BETWEEN STATES . . . . .	325
<i>Paul O'Higgins</i> : THE IRISH EXTRADITION ACT, 1965 . . . . .	369
<i>Pierre Henri Laurent</i> : STATE RESPONSIBILITY: A POSSIBLE HISTORIC PRECEDENT TO THE CALVO CLAUSE . . . . .	395
<i>J. H. C. Morris</i> : THE TIME FACTOR IN THE CONFLICT OF LAWS	422
<i>Stephen Szász</i> : THE BASIC CONNECTING FACTOR IN INTERNATIONAL CASES IN THE DOMAIN OF CIVIL PROCEDURE . . . . .	436
<i>Jerzy Rajski</i> : THE NEW POLISH PRIVATE INTERNATIONAL LAW, 1965 . . . . .	457
<i>D. M. Jacobs</i> : THE APPLICATION OF ANTI-TRUST LEGISLATION IN NORTH AMERICA . . . . .	470
<i>O. M. Stone</i> : ILLEGITIMACY AND CLAIMS TO MONEY AND OTHER PROPERTY: A COMPARATIVE SURVEY . . . . .	505
<i>Charles Henry Alexandrowicz</i> : THE CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC AND INTERNATIONAL TECHNICAL REGULATION: A COMPARATIVE STUDY . . . . .	621

	PAGE
<i>José A. Cabranes</i> : LIMITATIONS OF LIABILITY IN INTERNATIONAL AIR LAW: THE WARSAW AND ROME CONVENTIONS RECONSIDERED . . . . .	660
<i>Dr. Mohd Talaat El Ghoneimy</i> : THE LEGAL STATUS OF THE SAUDI-KUWAITI NEUTRAL ZONE . . . . .	690
<i>Lord Tangle, K.B.E., Dr. Frédéric Eisemann, J. C. A. Faure and Professor Pieter Sanders</i> : INTERNATIONAL ARBITRATION: A SYMPOSIUM . . . . .	718
<i>Alexander Szakats</i> : THE INFLUENCE OF COMMON LAW PRINCIPLES ON THE UNIFORM LAW ON THE INTERNATIONAL SALE OF GOODS . . . . .	749
<i>H. J. Hartwig</i> : INFANTS' CONTRACTS IN ENGLISH LAW: WITH COMMONWEALTH AND EUROPEAN COMPARISONS . . . . .	780
<i>L. P. Simpson</i> : PROMISES WITHOUT CONSIDERATION AND THIRD PARTY BENEFICIARY CONTRACTS IN AMERICAN AND ENGLISH LAW . . . . .	835
<i>R. H. Graveson</i> : THE FULD CASE . . . . .	937
<i>P. R. H. Webb and D. J. Latham Brown</i> : ENGAGEMENTS TO MARRY AND THE CONFLICT OF LAWS . . . . .	947
<i>Egon Schwelb</i> : THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION . . . . .	996
<i>Ingrid Dettler</i> : THE PROBLEM OF UNEQUAL TREATIES . . . . .	1069
<i>O. S. Yoffe and Y. K. Tolstoy</i> : THE NEW CIVIL CODE OF THE R.S.F.S.R.—A SOVIET VIEW . . . . .	1090
<i>A. K. R. Kiralfy</i> : THE NEW CIVIL CODE OF THE R.S.F.S.R.—A WESTERN VIEW . . . . .	1116
<i>Robert B. Seidman</i> : MENS REA AND THE REASONABLE AFRICAN: THE PRE-SCIENTIFIC WORLD-VIEW AND MISTAKE OF FACT . . . . .	1135
<b>SHORTER ARTICLES, COMMENTS AND NOTES</b>	
Restitution in International Law, <i>Alfred Drucker</i> . . . . .	263
Comity and Reciprocity (Based on <i>Société Cooperative Sidmetal v. Titan International Ltd.</i> ), <i>P. R. H. Webb</i> . . . . .	269
The Leiden Meeting, <i>Dennis Thompson</i> . . . . .	276
At the Crossroads in the Jurisprudence of the French Law of Lockout (Based on <i>Perherin et autres c. Société des Chantiers de l'Atlantique</i> ), <i>Éric Frédéric Wilson</i> . . . . .	286
Peace-Keeping Costs and Article 19 of the UN Charter: An Invitation to Responsibility, <i>Richard I. Fine</i> . . . . .	529
The United Kingdom and the European Convention of Human Rights, <i>K. R. Simmonds</i> . . . . .	539
The Establishment of the Chad Basin Commission, <i>I. O. Agoro</i> . . . . .	542
The League of Nations Archives, <i>K. R. Simmonds</i> . . . . .	550
Computers and International Law, <i>David Harris</i> . . . . .	551
The Anglo-American Mailing Rule: Some Problems of Offer and Acceptance in Contracts by Correspondence, <i>David Marshall Evans</i> . . . . .	553
On the Limitation of the Doctrine of Stare Decisis in the Republic of Ireland: Correction . . . . .	575
Sauter pour mieux Reculer: The Security Council's New Look, <i>Yehuda Z. Blum</i> . . . . .	863

	PAGE
Crisis in Divorce Law: England and France, <i>J. M. Eekelaar</i> . . . . .	875
Technical Assistance to International Law, A Reality? <i>Richard I. Fine</i> . . . . .	1165
"Registered" Claims against the Egyptian Fund under the Foreign Compensation Acts: Has the Commission Exclusive Power to Decide, <i>F. H. Collier</i> . . . . .	1175
The Dissolution of Initially Polygamous Marriages:	
I. Jurisdiction, <i>J. M. Eekelaar</i> . . . . .	1181
II. Grounds for Divorce, <i>J. L. R. Davis</i> and <i>P. R. H. Webb</i> . . . . .	1185
European Lawyers at Leiden, <i>Dennis Thompson</i> . . . . .	1189
Wrongdoer, Injured Party and Third-Party Indemnifier: An Israel Law on Personal Injuries, <i>G. Tedeschi</i> . . . . .	1195
Fiduciary Principles, the African Family, and Hindu Law, <i>J. Duncan M. Derrett</i> . . . . .	1205

### CURRENT LEGAL DEVELOPMENTS

Benelux: Designs and models; European communities: International procedural law; Germany (East): Copyright reform; Germany (West): International procedural law, press laws; Italy: Zeiss case; Turkey: Trade marks . . . . .	300
Caribbean: Constitutional proposals for Antigua, St. Kitts/Nevis/Anguilla, Dominica, St. Lucia, St. Vincent and Grenada; Commonwealth: Third Commonwealth and Empire Law Conference, Commonwealth Secretariat; European Communities: Concentration of enterprises; France: Civil procedure, company law reform, greffiers, privacy; Germany (West): Privacy, school prayers; Indian Ocean: The British Indian Ocean Territory; Italy: Constitution and E.C.S.C. Treaty; Northern Ireland: Execution of Judgments . . . . .	577
Commonwealth: Free Trade Areas; England and Wales: Evidence; Germany (East): Family Law; Germany (West): Law of Obligations; India: Press Council; Spain: Press Law; Uganda: Constitution; European Communities: Company Law; France: Defamation; Germany (East): International Personality; North Sea: Continental Shelf; United Nations: Racial Discrimination	897
Germany (West): Criminal Law Reform; Reform of the law on illegitimate children; New Zealand: Fisheries; South West Africa Case; United Kingdom: Pirate Broadcasting . . . . .	1217
BOOK REVIEWS . . . . .	303, 586, 906, 1221
BOOKS RECEIVED . . . . .	320, 617, 933, 1237

### INDEX FOR VOLUME 15

Contributors of Articles, Shorter Articles, Notes and Comments	1241
Subject Index . . . . .	1243
Index of Cases Noted . . . . .	1249
Index of Book Reviews and Books Received . . . . .	1250